

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Schlegel et al.
Appl. No.: 10/071,138
Conf. No.: 3115
Filed: February 8, 2002
Title: GAMING DEVICE HAVING A RELATED SYMBOL SELECTION GAME
Art Unit: 3714
Examiner: Sunit Pandya
Docket No.: 112300-0742

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(b)**

Sir:

This Request for Reconsideration is being filed in response to the Determination of Patent Term Adjustment which was mailed with the Notice of Allowance on December 10, 2007. Applicants have reviewed the PTA set forth (479 days) by the Patent Office and respectfully request that this determination be reconsidered for the reasons set forth below.

The Patent Office determined that a 308 day adjustment should be made based on the USPTO delay in mailing an Office Action or Notice of Allowance within fourteen months of the filing of the application. The first Office Action was mailed on February 10, 2004 which is 308 days past the 14 month date. Therefore, 308 days were added to the patent term. Applicants agree with this determination.

The Patent Office determined that a 84 day adjustment should be made based on the Applicants' delay in responding to the Office Action mailed February 10, 2004. Applicants responded to the Office Action on August 2, 2004 which is 84 days past the May 10, 2004 due date. Therefore, 84 days were subtracted from the patent term. Applicants agree with this determination.

The Patent Office determined that an 89 day adjustment should be made based on the USPTO delay in taking further action within four (4) months after receipt of Applicants' Response on August 2, 2004. The USPTO took further action by mailing a Final Rejection on March 1, 2005. Therefore, 89 days were added to the patent term. Applicants agree with this determination.

Applicants responded to the Office Action mailed on March 1, 2005 on July 6, 2005. According to PTA rules, applicants had until June 1, 2005 to respond without loss of PTA. Applicants responded after that time period. The Patent Office did not determine there to be any loss of patent term. Applicants do not agree with this determination.

According to 1.704 Section B of the MPEP; applicants need to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request measuring such three-month period from the date the notice or action was mailed or given to the applicant. Because Applicants delayed their Response, an additional 35 days should be subtracted from the patent term.

The Patent Office determined that a 69 day adjustment should be made based on the Applicants' delay in responding to the Office Action mailed September 9, 2005. Applicants responded to the Office Action on February 16, 2006 which is 69 days past the December 9, 2005 due date. Therefore, 69 days were subtracted from the patent term. Applicants agree with this determination.

The Patent Office determined that an 235 day adjustment should be made based on the USPTO delay in taking further action within four (4) months after receipt of Applicants' Response on February 16, 2006. The USPTO took further action by mailing a Final Rejection on February 6, 2007. Therefore, 235 days were added to the patent term. Applicants agree with this determination.

According to the above PTA rules, Applicants had three months from the mailing of the Final Rejection in which to respond without a loss of PTA. Accordingly, Applicants did not meet the three month deadline of June 1, 2005. Therefore, request is being made that 35 days be subtracted to the patent term adjustment and that the total adjustment for such PTO and Applicant delays, should be 444 instead of 479 days.

This Request includes the amount of \$200.00 to cover the fee set forth in § 1.18(e) to be charged to our Deposit Account, 02-1818. To the extent that any additional fees are due and owing, the Commissioner is hereby authorized to charge them to our Deposit Account, 02-1818.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY



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Date: January 8, 2008